

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201805215	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/28/2018 10:00 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 12/28/2019	EO SOL 12/28/2019	
Date/Time CV Reported	CV Reported At: Precinct	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/29/2018 1:01 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			047 PCT
2. SGT Joseph Spalding	05171	927545	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Mark Tooma	06338	964807	047 PCT
2. POM Nicholas Jusino	24245	952913	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joseph Spalding	Force: Sergeant Joseph Spalding pointed a Taser at § 87(2)(b)	§ 87(2)(b)
B.SGT Joseph Spalding	Abuse: Sergeant Joseph Spalding refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
C. Officers	Force: Officers used physical force against § 87(2)(b) Carabello.	§ 87(2)(b)
D.SGT Joseph Spalding	Abuse: Sergeant Joseph Spalding threatened to arrest § 87(2)(b)	§ 87(2)(b)
E.SGT Joseph Spalding	Discourtesy: Sergeant Joseph Spalding spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.SGT Joseph Spalding	Force: Sergeant Joseph Spalding used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On June 28, 2018, Lieutenant Kevin Maloney of the 52nd Precinct filed this complaint with the CCRB on behalf of § 87(2)(b).

On July 3, 2018, contact with § 87(2)(b) was established via phone. § 87(2)(b) confirmed her identity, contact information, provided an email address, and agreed to receive text messages from the CCRB. § 87(2)(b) listed two additional victims in this complaint, her § 87(2)(b) year-old son, § 87(2)(b) and her boyfriend, § 87(2)(b). § 87(2)(b) was then scheduled for an in-person interview at the CCRB on July 11, 2018.

On July 11, 2018, § 87(2)(b) left a voicemail with the CCRB, stating that she could not appear at the scheduled appointment and asked to reschedule it.

Between July 3, 2018 and July 20, 2018, six phone calls were made to § 87(2)(b)'s confirmed cellphone number, each time resulting in a voicemail message.

Between July 3, 2018 and July 24, 2018, four letters and emails were sent to § 87(2)(b)'s confirmed home and email addresses. None of the letters were returned by the U.S. Postal Service as undeliverable.

On July 24, 2018, contact with § 87(2)(b) was established via phone. § 87(2)(b) confirmed his identity and contact information, and agreed to receive text messages from the CCRB. § 87(2)(b) confirmed that § 87(2)(b) was § 87(2)(b)-old and stated that the CCRB could only contact him through § 87(2)(b) or § 87(2)(b) who are his guardians. § 87(2)(b) was informed that due to § 87(2)(b)'s age, the CCRB needed § 87(2)(b) or § 87(2)(b)'s permission to interview him. § 87(2)(b) was scheduled for an in-person appointment at the CCRB on July 27, 2018, and was urged to bring § 87(2)(b) to his interview, if he wished for him to provide a statement.

On July 26, 2018, a voicemail and a phone call were received from § 87(2)(b) in which he asked to reschedule his appointment as he wanted § 87(2)(b) and § 87(2)(b) to accompany him to the CCRB to provide a statement. § 87(2)(b)'s appointment was rescheduled to August 2, 2018.

On August 2, 2018, § 87(2)(b) contacted the CCRB via phone and stated that he was unable to appear at his scheduled appointment due to an emergency, and that he was going to be out of state until August 20, 2018. § 87(2)(b) confirmed that § 87(2)(b) and § 87(2)(b) were also not going to appear at the CCRB on August 2, 2018.

§ 87(2)(b) asked for his appointment to be rescheduled to August 22, 2018, however, he was informed that the CCRB could not keep this complaint opened indefinitely and that he needed to provide a sworn statement sooner. § 87(2)(b) agreed to appear at the CCRB on August 6, 2018, and a text message reminder of the appointment was sent to his confirmed cellphone number on August 4, 2018.

On August 6, 2018, § 87(2)(b) missed his scheduled appointment and did not contact the CCRB to cancel or reschedule it in advance. A missed appointment letter and email were sent to his confirmed home and email addresses. The letter was not returned by the U.S. Postal service as undeliverable.

On August 6, 2018, contact with § 87(2)(b) was reestablished via phone. § 87(2)(b) stated that he wanted to close the complaint as he was unable to provide a sworn statement at this time. § 87(2)(b) was informed that he could request to have the complaint reopened at a later time and was given instructions on how to get this done. The call was disconnected before § 87(2)(b) could be asked the agency required withdrawal questions.

Between August 7, 2018 and August 9, 2018, two additional phone calls were placed to § 87(2)(b) confirmed cellphone number, asking him to contact the CCRB to answer the agency required withdrawal questions, each time resulting in a voicemail message. A please call letter and email were also sent to his confirmed home and email addresses. None of the correspondence was returned by the U.S. Postal Service as undeliverable.

In total, six phone calls were placed to § 87(2)(b) confirmed cellphone number and three letters and emails were sent to his confirmed home and email addresses.

On July 2, 2018, the Field Team determined that no video footage from the incident location was available. Additionally, on August 28, 2018, undersigned received an email from Jayne Cifuni stating that BWC footage of this incident could not be obtained or viewed without an unsealing order. Unsealing orders could not be obtained due to § 87(2)(b)s and § 87(2)(b) lack of cooperation with the investigation.

Searches of New York City and New York State Department of Correction determined that § 87(2)(b) and § 87(2)(b) are not currently incarcerated.

§ 87(2)(g)

Squad No.: 12

Investigator:	_____	<u>INV. WORONIECKI</u>	<u>09/10/2018</u>
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>IM RIGIE</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date